

**New Castle Planning and Zoning Commission Special Virtual Meeting
Wednesday, August 11, 2021, 7:00 p.m.,**

This meeting was also available virtually.

**To join by computer, smart phone or tablet:
<https://us02web.zoom.us/j/7096588400>**

**If you prefer to telephone in:
Please call: 1-346-248-7799
Meeting ID: 709 658 8400**

Call to Order

Commission Chair Apostolik called the meeting to order at 7:00 p.m.

Roll Call

Present Chair Apostolik (phone)
Commissioner Bourquin – phone in at 7:05pm
Commissioner McDonald
Commissioner Sass
Commissioner Westerlind

Absent Commissioner Owens
Commissioner Riddile

Also present at the meeting were Town Administrator Dave Reynolds, Town Planner Paul Smith, Assistant Town Attorney Haley Carmer, Deputy Town Clerk Mindy Andis and members of the public.

Meeting Notice

Deputy Town Clerk Mindy Andis verified that her office gave notice of the meeting in accordance with Resolution TC 2021-1.

Conflicts of Interest

There were no conflicts of interest

Citizen Comments on Items NOT on the Agenda

There were no citizen comments.

Public Hearing

Consider Resolution PZ 2021-01 Recommending Approval of Amendments to Chapter 17.08 of the New Castle Municipal Code Concerning Membership of the Planning and Zoning Commission.

Chair Apostolik opened the Public Hearing at 7:02 p.m.

Town Planner Paul Smith reviewed the proposed resolution with the commission.

Planner Smith said The town council have authority to appoint up to two alternate members who may serve when one or more of the regular members are unavailable due to absence or due to recusal or disqualification from a particular matter; provided that no more than seven members shall participate at any one time. All members of the planning commission shall be voting members, including the alternate member(s) when participating. If two alternate members have been appointed and are available but only one is needed, the participating alternate member shall be selected by coin flip.

Planner Smith said the qualifications for the planning and zoning commission shall be bona fide residents of the town, and if any member ceases to reside in the town, his or her membership shall immediately terminate. All members of the planning and zoning commission shall serve as such without compensation.

Planner Smith asked Assistant Town Attorney Haley Carmer if a commissioner has recused themselves for an item on the agenda and alternate is then seated for the commissioner. Does the alternate sit only for that item or for the entire meeting?

Attorney Carmer said the alternate would sit for the entire meeting. The commissioner would not participate for that meeting at all. If, you are an alternate for a portion of the meeting then you are an alternate for the entire meeting.

Attorney Carmer also said if an alternate is seating for a meeting because of an absence, but the commissioner would be attend the next continued meeting then the commissioner would need to either listen or watch the prior meeting to make sure the commissioner hears all of the testimony. However, the commissioner is not able to listen or to watch the prior meeting, then that commissioner would not be able to attend the meeting as a voting member the alternate would continue to sit in.

Town Administrator Dave Reynolds said the reason this has come up is because there currently is a vacant seat and there is a commissioner who has to recues themselves from a land use application. There could be a lot of items coming up in the future and would need to have a quorum.

Commissioner McDonald asked if the seated commissioner hears the first part of the hearing but would not be at the next meeting what happens then.

Administrator Reynolds said the alternates would be required to attend all the meetings and hear all the testimony and understand what has happen in the prior meetings.

Commissioner Sass said the appearance of having alternates might feel off to an applicate. For example a regular seated commissioner hears part of the testimony

and then an alternate hears rest of the testimony. But then when it comes to voting the regular seated commissioner is back to vote.

Attorney Carmer said having alternates is very common. It's important to make it clear who is appointed commissioner and who is an alternate commissioner. An alternate should understand they are only at the meeting as a backup and not to be expected to voting on everything. The application could ask the regular commissioner what they did to get caught up with all the testimony. At that point the commissioner would need to state on the record what they did to get caught up with all of the testimony.

Commissioner Westerlind asked if a seated commissioner moves outside of town limits, but are able to attend rest of the meetings with a public hearing can they.

Attorney Carmer said the seated commissioner would be off because you are now disqualified to be a commissioner and an alternate would be appointed to fill that seat.

Attorney Carmer explained the reason for the coin toss is to show the application there was no bias with either alternate and is the luck of the flip who would then be seated. This way an applicate can't come back and say there was bias with the alternate.

Chair Apostolik closed the public hear 7:29pm.

MOTION: Chair Apostolik made a motion to approve Resolution PZ2021-01 Amendments to Chapter 17.08 of the New Castle Municipal Code Concerning Membership of the Planning and Zoning Commission. Commissioner McDonald seconded the motion and it passed unanimously.

Staff Reports

Administrator Reynolds said once the vacant commission seat is filled and if council approves the planning and zoning alternates and the alternates are appointed. The town attorney could come in and give the commission official training orientation.

Commission Comments and Reports

Commissioner Westerlind said he would like to present information about "green roofs" at a future meeting.

Planner Smith said Commissioner Westerlind is suggesting upgrades to the R-1 design requirements for the R-1 zone district.

MOTION: Chair Apostolik made a motion to adjourn the meeting. Commissioner Westerlind seconded the motion and it passed unanimously.

The meeting adjourned at 7:35 p.m.

Respectfully Submitted,





Chair Chuck Apostolik



Deputy Town Clerk Mindy Andis, CMC